

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

**Case No. 3:23-CV-3071
MDL-3071**

**MOTION TO DISMISS LRO CLAIMS
FOR FAILURE TO STATE A CLAIM**

**THIS DOCUMENT RELATES
TO ALL CASES**

Chief Judge Waverly D. Crenshaw

MOTION TO DISMISS LRO CLAIMS FOR FAILURE TO STATE A CLAIM

Sixteen multi-family lessor Defendants (“LRO Defendants”)¹ file this Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6) because Plaintiffs’ “Second Amended Consolidated Class Action Complaint” on multi-family housing (Dkt. 530) fails to allege a plausible conspiracy involving the use of RealPage’s, Inc.’s Lease Rent Options (“LRO”) software, as addressed in the Memorandum of Law in support of this Motion. Accordingly, Plaintiffs’ antitrust claims should be dismissed to the extent they seek relief under the antitrust laws for any Defendant’s use of LRO.

¹ Bell Partners, Inc.; Brookfield Properties Multifamily LLC; CONAM Management Corporation; ECI Group, Inc.; Equity Residential; Independence Realty Trust, Inc.; Mid-America Apartment Communities, Inc. and Mid-America Apartments, L.P.; Morgan Properties Management Company, LLC; The Related Companies, L.P.; Related Management Company, L.P.; Security Properties Residential LLC; Simpson Property Group, LLC; Thrive Communities Management, LLC; Windsor Property Management Company; WinnCompanies LLC; and WinnResidential Manager Corp.

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CERTIFICATE OF SERVICE

I, Carl W. Hittinger, served the foregoing Motion to Dismiss for Failure to State a Claim upon all counsel of record on October 9, 2023 by filing it electronically using the Court's CM/ECF system, which caused this document to be served on all Electronic Filing Users, as directed by Local Rule 5.02(c).

/s/ Carl W. Hittinger
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